



October 14, 2005

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: WT Docket No. 01-309
Update to Pending HAC Waiver Request**

Dear Ms. Dortch:

Pursuant to Section 1.65 of the Commission's rules, SunCom Wireless, Inc. ("SunCom") is submitting this letter to update its pending request for a limited waiver of Section 20.19(c)(2)(i), the Commission's hearing aid compatibility ("HAC") rule. Since filing its waiver request on September 14, 2005, SunCom is pleased to report that, based on information recently obtained from its handset vendors; SunCom expects to be able to come into compliance sooner than anticipated, although still relying on the Commission's *GSM Waiver Order*. ^{1/} As described below, SunCom expects that it will be offering at least two compliant handsets in the near future.

First, SunCom already sells the Motorola V220, for which HAC certification was obtained last month. ^{2/} However, SunCom requires additional time to ensure that its current inventory of these handsets complies with the Commission's HAC labeling requirements. ^{3/} SunCom has requested that Motorola provide SunCom with adhesive labels (for the exterior packaging) noting the handset's U3-rating, as well as a related user manual addendum. SunCom hopes to receive these collateral materials from Motorola, and to have them distributed to its retail locations, by December 1, 2005. Moreover, SunCom is already in the process of instructing its sales staff to notify any hearing aid-wearing customers that the V220 is HAC-compliant.

^{1/} See Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, WT Docket No. 01-309, Memorandum Opinion and Order, FCC 05-166 (rel. Sept. 8, 2005) ("*GSM Waiver Order*") (permitting dual-mode GSM handsets to satisfy the U3/M3 standard for the PCS band only). References in this letter to "compliant" handsets indicate handsets that satisfy the U3/M3 standard for the PCS band only.

^{2/} See FCC ID No. IHDT56ER1 (Sept. 14, 2005).

^{3/} See 47 C.F.R. § 20.19(f).

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Second, SunCom plans to add the Motorola V3 "RAZR" to its handset offerings. HAC certification for the V3 was also obtained last month. ^{4/} SunCom had already placed an order for the V3 prior to HAC certification, and these handsets (already manufactured) are awaiting a final software update (unrelated to HAC), which should be completed by November 1, 2005. However, as with the V220, SunCom will need some additional time to ensure that the appropriate collateral materials are received from Motorola and distributed to the retail locations.

Based on this new information which SunCom has recently learned from its vendors, SunCom hereby amends its waiver request. As noted above, SunCom has, in fact, offered one HAC-compliant handset since the effective date of the HAC rules. However, due to the lack of collateral materials from the manufacturer, SunCom requests that it be granted until **December 1, 2005** to comply with the labeling requirements of Section 20.19(f) for the Motorola V220 handset. SunCom further requests that it be granted until **December 1, 2005** to offer a second HAC-compliant handset and to comply with the labeling requirements for that handset.

Respectfully submitted,

SUNCOM WIRELESS, INC.

/s/ Charles Kallenbach

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^{4/} See FCC ID No. IHDT56EU1 (Sept. 15, 2005).